

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW HAMPSHIRE**

**Laurie Ortolano,**

Plaintiff

**V.**

**Civil Action No. 22-cv-00326-LM**

Steven Bolton and Celia Leonard

## Defendants

## **PLAINTIFF'S PROPOSED VOIR DIRE QUESTION BANK**

NOW COMES the Plaintiff and asks that the Court ask the jurors the following Voir Dire Questions:

## **I. THE POTENTIAL JUROR'S PRIOR KNOWLEDGE OF THE CASE**

**Topic question:**

- Do you know anything about this case other than what you've heard from the Judge today?

### **Follow-up questions:**

- Are you familiar with any of the areas or addresses involved in this case?
- Do you know anyone else in the jury box other than as a result of reporting for duty here today?
- Do you know any of the attorneys and/or court personnel involved in this case, other than as a result of reporting for duty here today?

## II. THE POTENTIAL JUROR'S GENERAL PRECONCEPTIONS

### Topic question:

- Do you believe that every citizen has an equal right to protest?
- Do you believe that every citizen has a right to freely state his or her opinion regardless of how popular or unpopular that opinion might be?
- Do you believe that citizens have the right to petition and question government officials to redress grievances?
- Would your verdict in this case be influenced in any way by any factors other than the evidence presented in the courtroom, such as friendships, family relationships, or the type of work that you do?

### Follow-up questions:

- Would you have any difficulty or reluctance to accept the law as it has and will be explained to you by the court, and applying it to the facts of this case regardless of your personal beliefs about what the law should be or is?
- Are you employed by a state or local government agency or municipality?
- Do you view jury duty as an opportunity to make a political and/or legal statement about the status of society and/or the legal community?
- Do you have any formal legal training or education?
  - If so, what kind(s)?
- Have you ever felt that someone's speech should be limited in certain situations, such as during interactions with municipal attorneys? If so, please explain Nieves v. Bartlett, 587 U.S. 391, § 1.05 Deprivations of Federal Rights Under Section 1983.

- How comfortable are you evaluating whether a municipal attorneys' actions were motivated by a desire to suppress someone's speech? Nieves v. Bartlett, 587 U.S. 391, § 1.05 Deprivations of Federal Rights Under Section 1983.

### III. **THE POTENTIAL JUROR'S ATTITUDE REGARDING GOVERNMENT OFFICIALS**

#### **Topic question:**

- As a general proposition, do you think that a government official is more likely to tell the truth than a witness who is not a government official?

#### **Follow-up questions:**

- Would you give greater weight to the testimony of a government official merely because of his or her status as a government official?
- Do you think police officers should have broad discretion in deciding whom to arrest, even if probable cause exists? Why or why not? Nieves v. Bartlett, 587 U.S. 391, § 1.05 Deprivations of Federal Rights Under Section 1983.
- How do you feel about the idea that police officers might use their discretion to arrest someone based on their speech or criticism of law enforcement? Nieves v. Bartlett, 587 U.S. 391, § 1.05 Deprivations of Federal Rights Under Section 1983.
- If presented with evidence that a person was arrested for a minor offense, but others committing the same offense were not arrested, would you consider this as potential evidence of retaliation? Why or why not? Nieves v. Bartlett, 587 U.S. 391, Waterman v. City of Taunton, 742 F. Supp. 3d 144, § 1.05
- The law allows for an exception to the probable cause defense if there is objective evidence that others not engaged in similar speech were treated differently. Do you

feel confident in your ability to make such a determination based on the evidence presented? Nieves v. Bartlett, 587 U.S. 391, § 1.05 Deprivations of Federal Rights Under Section 1983.

- Have you or someone close to you ever had a negative or positive interaction with law enforcement that might influence your ability to be impartial in this case? Nieves v. Bartlett, 587 U.S. 391, Waterman v. City of Taunton, 742 F. Supp. 3d 144.
- In this case, you may be asked to consider whether the plaintiff's speech was a substantial or motivating factor in the adverse action taken against them. Do you feel confident in your ability to make such a determination based on the evidence presented? Waterman v. City of Taunton, 742 F. Supp. 3d 144, D.B. v. Esposito, 675 F.3d 26, Gattineri v. Town of Lynnfield, 58 F.4th 512.

#### IV. **THE POTENTIAL JUROR'S PREJUDICES REGARDING SUBJECT MATTER OF LAWSUIT**

##### **Topic questions:**

- The charges in this case involve allegations that a citizen's arrest for trespass in a public building was retaliation based on the citizen's exercise of speech critical of government officials. Does the fact that this case involves this subject cause you to favor the government officials or otherwise influence you to decide a close case in favor of the government officials?
- Does the subject matter of this case cause you to favor the municipal employees or otherwise influence you to decide a close case in favor of the municipal employees?

**Follow-up question:**

- Would your personal views about speech critical of the government impact your ability to decide the merits of this case in an impartial manner?

**V. MISCELLANEOUS QUESTIONS TO THE POTENTIAL JUROR**

**Topic question:**

- Do you believe that juries have any important role in the legal system?
- Do you believe that juries are capable of making fair and impartial decisions?
- Is there anything that you believe the court needs to know about you?
- Do you believe individuals have the right to criticize municipal lawyers/law enforcement officers without fear of retaliation?
  - **Follow up:** Why or why not?
- Do you believe that when a government official violates the speech rights of a citizen, an award of monetary damages is appropriate?
- Do you agree with the statement that "you can't fight City Hall"?
- Do you have a negative view of the legal system?

**Dated: March 20, 2025**

Respectfully Submitted by,

/s/William Aivalikles  
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**CERTIFICATE OF SERVICE**

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

Dated: March 20, 2025

/s/William Aivalikles  
William Aivalikles, Esq.